

POLICY BULLETIN CHILD NUTRITION PROGRAMS

NSLP 34-06

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SUBJECT: School Programs Policy Guidance Questions and Answers

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This bulletin regards policy guidance questions and answers. The last memorandum issued with questions and answers was NSLP 19-06, issued July 7, 2006.

Please contact our office at (801) 538-7500 if you have questions or need further clarification on the guidance being issued.

Free and Reduced Price Policy

1. A school district is now charging for participation in sports. The athletic department wants free and reduced price information on students without parental consent, so they can give reduced rates to those that qualify for free and reduced priced meals. Would the sports programs qualify as a local program where parental consent to provide free and reduced price eligibility information would not be needed?
 - A. The only type of local program which free and reduced price eligibility information may be released without parental consent are "means tested" nutrition programs with eligibility standards comparable to the National School Lunch Program. In this scenario parental consent would be needed in order for the athletic department to obtain free and reduced price eligibility information from the school food authority. (Refer to Quick Reference Guide-Free and Reduced Price Benefits Administration-Disclosure of Eligibility)
2. Homeless children are listed as a part of a household application. Since the children have been designated as homeless are they still part of the household or should they be removed when calculating household size?
 - A. First the LEA must determine whether or not the child is still considered to be homeless by school officials. If the child is still considered to be homeless by school district personnel then the host family may apply for benefits, and has the option of including the homeless persons on their application. (Refer to Quick Reference Guide-Homeless Children)

Verification

1. How is the non-response rate defined for purposes of verification?
 - A. Public Law 108-265, Section 105 defines non-response rate as the percentage of approved household applications for which verification information was not obtained by a Local Education Agency (LEA).
2. When a household tells the LEA during a follow-up phone call that they no longer want benefits, is this still considered non-response?
 - A. Yes, this is still considered non-response because the information requested in the verification notice was not obtained by the LEA.
3. A SA was recently made aware of the fact that the software a LEA used for selecting a sample of free and reduced price applications to meet the annual verification requirement, selected a random sample rather than the focused sample the LEA was required to verify. The LEA did not notice the error and proceeded with verification. Is the LEA or the software company responsible for not meeting the requirements of verification?
 - A. The LEA, through its agreement with the SA to operate the Program, agrees to conform to the rules for administration of the Program [set out, in part, in 7 CFR 210.9(b)] as a condition for receiving Federal reimbursement. The LEA's responsibility to conform to the rules includes its use of commercial software to assist in performing Program functions, such as the evaluation of free and reduced price applications, counting reimbursable meals, or selection of a sample of applications for the purpose of conducting the required verification of free and reduced price applications.

Unlike the commercial software specifically approved by FNS for use in nutrient analysis of meals, other software used for Program-related purposes is not reviewed by FNS to determine if it functions properly and meets Program requirements. Therefore, such software, even from reputable sources, must be used with prudence and oversight, and the output of the software reviewed by the LEA to assure that the result is truly accurate. Though such a review or test may be laborious with meal counting software, it is relatively simple to perform with respect to the type of applications selected by the software as part of verification procedures. The LEA should also incorporate provisions in procurement documents and contracts that protect the LEA by stipulating that the commercial software provider will reimburse the LEA for any fiscal penalties that the SA imposes on the LEA for errors that are due to faults in the software used to produce the erroneous data, reports, or documentation.